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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,003	02/05/2004	Nizar A. Mullani	GENLC-008B	5372

7590

01/25/2005

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EXAMINER

PHAM, HOA Q

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,003

Applicant(s)

MULLANI, NIZAR A.

Examiner

Hoa Q. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/04 and 7/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: Claims 4 and 22 must be ended by a period ".". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-16, 23, 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Stern et al (6,069,565).

Regarding claims 13-14 and 16, Stern et al discloses a telescope (5) in which a magnified optical lens is inherent, a first illumination source (13a) positioned relative to the optical lens to direct light upon the object (15), a polarizer (30) is located between the first light source and the object, a second illumination source (13b) positioned relative to the optical lens to direct light upon the object (15), a second polarizer (30a) positioned between the second light source and the object and a view polarizer (40)

positioned between a viewer (26) and the object to polarize light reflected from the object (see figure 3A and column 11, lines 3-10).

Regarding claims 15 and 27-28, see column 12, lines 40-41 and column 34, line 64, for the use of laser diode.

Regarding claim 23, it is inherent that the light sources (13a and 13b) are powered by a power source.

4. Claims 13-16, 23, 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Satoh et al (US2003/0026110A1).

Regarding claims 13-14 and 16, Sato et al discloses a magnified lens (4 or 44) to produce an image of an object to be observed by a viewer (6 or 42), a first illumination source (11A) positioned relative to the optical lens to direct light upon the object, a polarizer (PL1) is located between the first light source and the object, a second illumination source (11B) positioned relative to the optical lens to direct light upon the object, a second polarizer (PL2) positioned between the second light source and the object and a view polarizer (AL) positioned between a viewer (6) and the object to polarize light reflected from the object (see figures 1 and 5).

Regarding claims 15 and 27-28, see page 1, paragraph [0010] and [0012] and page 3, paragraph [0041], for the use of white LEDs.

Regarding claim 23, it is inherent that the light sources (11A and 11B) are powered by a power source.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-12, 17-22, 24-26, 29-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al in view of Binder (6,032,071) and Alfano et al (6,587,711).

Regarding claims 1-4, 11-12, 17-21, 31, 33, and 42-43, Satoh et al does not explicitly teach that the light sources including a plurality of diodes and polarizers are positioned about the circumference of the optical lens; however, such a feature is known in the art as taught by Binder. Binder, from the same field of endeavor, teaches that the light sources (510) can be formed a ring around the lens section (410) (see figures 5-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the light sources and polarizers of Satoh in the form of a ring as taught by Binder because such arrangement would provide a better image received by the viewer or video camera.

Regarding claims 1, 11-12, 22, and 42-43, Satoh et al teaches that different kinds of illumination light can be used (page 4, paragraph [0072]) and Alfano et al (of record) teach the use 3 color LEDs (figure 3). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use different light wavelengths or colors as taught by Alfano et al because the device would function in the same manner.

Regarding claims 5, 12, 32, 42, 43; Satoh et al teaches the use of a switch for controlling each of the light emission devices (13) (page 3, paragraph [041]. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Satoh et al a third mode for initiating the first and second light sources simultaneously because it involves only routine skill in the art.

Regarding claims 7-10, 23-26, and 34-37, Alfano et al (of record), from the same field of endeavor, discloses a spectral polarizing tomographic dermatoscope in which a battery (311) is used (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the power source of Satoh et al as taught by Alfano et al because the battery is useful in a hand held device, also using a battery would avoid the use of power cord when using A/C power.

Regarding claims 29-30 and 40-41, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the optical lens of Satoh et al or Binder by a Hastings Triplet lens with a 10 X optical gain because they would function in the same manner. A substitution one for another is generally recognized being within the level of ordinary skill in the art.

Regarding claims 6,17-18, and 38-39, see page 1, paragraph [0010] and [0012] and page 3, paragraph [0041] of Satoh et al, for the use of white LEDs.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzaki et al (4,773,097), Martens et al (5,363,854) and

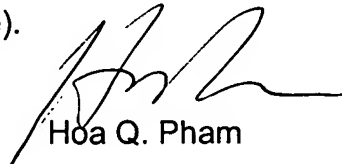
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Gutkowicz-Krusin et al (6,081,612) relate to a system and method for inspecting anomalies of the skin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 7:30AM to 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoa Q. Pham

Primary Examiner

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HP

January 20, 2005